

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1896 of 2017**

Vishwamitra Sona S/o Katevan Wrongly Mentined As Katyawan Sona  
Aged About 40 Years R/o Village Dhamdha, Naka Opposite Jamul  
Hospital, Durg, Civil And Revenue District Durg, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through : The Station House Officer, Police  
Station - Mohan Nagar, Civil & Revenue District - Durg Chhattisgarh

**---- Respondent**


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| For applicant        | Mr. S.K. Agrawal, Adv. |
| For Respondent/State | Mr. Anant Bajpai, PL   |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****27-6-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 19-1-2017 in connection with Crime No. 28/2017 registered in PS Mohan Nagar, Distt. Durg, for offence punishable under Section 354(A) of the Indian Penal Code and Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (in brevity 'POCSO Act').
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before 1st Additional Sessions Judge (FTC)/Special Judge under POSCO Act, Durg however learned counsel for the applicant is not in a position to state the criminal case number. This is his first bail application before this Court. He is first offender. As per allegation, the applicant outraged the modesty of the prosecutrix aged about 9 years by pressing her breast when she was getting tuition from the accused and asked not to narrate the said fact to anybody. He may be granted an opportunity to remain in the society without committing any crime.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant on the basis of the act committed by the applicant with the prosecutrix aged about 9 years.
5. Perused the matter.
6. On due consideration, as the applicant is in custody since 5 months and 8 days till date, police has not reported any criminal past of the applicant and after considering the entire act committed by the applicant and though having opportunity he did not go ahead for further harassment and assault on the prosecutrix, I am inclined to grant last opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 50,000/- with two solvent sureties each of Rs. 25,000/- to the satisfaction of the trial Court for his appearance before the said Court regularly as and when directed by the said Court.
7. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court intentionally, (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
8. CC as per rules.

**Sd/-**  
**(Chandra Bhushan Bajpai)**  
**Judge**